

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

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CATHERINE OKORO,

Plaintiff,

Civil Action No.: 2:11-CV-00267

v.

PYRAMID 4 AEGIS and  
JEROME BATTLES,

Defendant.

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**RULE 26(F) JOINT WRITTEN REPORT OF PROPOSED DISCOVERY PLAN**

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Pursuant to FRCP 26(f) and the Court's letter dated May 20, 2011, the parties having conferred through their undersigned counsel and submit this joint proposed discovery plan in anticipation of the FRCP 16(b) scheduling conference set for June 23, 2011 at 9:30 a.m.:

***1. A brief description of the nature of the case, including a statement regarding the basis of subject matter jurisdiction.***

Plaintiff, Catherine Okoro, brings this action under the Fair Labor Standards Act, 29 U.S.C. §201, et. seq., and for breach of contract to recover her unpaid wages plus liquidated damages and attorneys' fees for the hours that she worked for the Defendants. Defendants disagree that there was ever an employment relationship or an agreement to pay wages. Defendants also disagree that the elements of enterprise and interstate commerce are met. Defendants have filed counterclaims against Plaintiff for tortious interference with a contract. Plaintiff disagrees that she interfered with any contracts of Defendants.

**2. *Whether the parties contemplate amending the pleadings by joining parties or for other reasons.***

The parties shall have until July 22, 2011, to amend their respective pleadings or to join additional parties.

**3. *Any motions which are contemplated at this time.***

Plaintiff anticipates that she will file a 12(b)6 motion and a motion for summary judgment. Defendant anticipates filing a motion for summary judgment.

**4. *The estimated length of trial and whether a jury is requested.***

A trial is expected to last no more than three days at this time. Plaintiff has made a request for a jury.

**5. *Such other matters as may affect the scheduling of this case for final disposition.***

None.

**6. *Fed.R.Civ.P. 26(f)(1). What changes should be made in the timing, form, requirement for disclosures under Rule 26(a), including a statement as to when disclosures under Rule 26(a)(1) were made or will be made:***

The parties do not believe that any changes must be made regarding the substance of Rule 26(a)(1) disclosures. The parties have agreed to make their initial disclosures pursuant to FRCP 26(a)(1) by June 23, 2011.

**7. *Fed.R.Civ.P. 26(f)(2). The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused upon particular issues:***

The parties anticipate that discovery will be needed regarding the allegations raised in the plaintiff's complaint, the defendants' affirmative defenses, and the defendants' counterclaims, but do not believe it should be conducted in phases.

The parties propose the following with regard to discovery and scheduling:

1. The parties propose a discovery cutoff of October 28, 2011.

2. Reports of retained experts under FRCP 26(a)(2) are due from plaintiff by September 9, 2011, and from defendant by August 5, 2011.
3. All potentially dispositive motions should be filed by November 18, 2011.
4. Counsel discussed the possibility of settlement. We are exploring the possibility of mediation and will be able to state our position on mediation by the date of the scheduling conference. Defendant has agreed to allow plaintiff an extension in answering the counterclaim of 90 days pending mediation.
5. The parties request a pretrial conference in February 2012.
6. The case should be ready for trial by March 2012 and at this time is expected to take approximately three days for trial.

**8. *Fed.R.Civ.P. 26(f)(3). What changes should be made in the limitations on discovery imposed under these Rules or by Local Rule and what other limitations should be imposed:***

At this time, the parties do not anticipate needing changes in the discovery limitations provided by the Federal Rules of Civil Procedure and Local Rules, but reserve the right to request changes to such limitations if they become necessary in the future and the parties are unable to agree on such changes.

**9. *Fed.R.Civ.P. 26(f)(4). Any other orders that should be entered by the Court under Rule 26(c) or under Rule 16(b) and (c).***

The parties respectfully suggest that the Court enter a scheduling order consistent with the dates identified above.

Dated this 10<sup>th</sup> day of June, 2011.

RESPECTFULLY SUBMITTED:

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